

UTAM, Inc.

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January 27, 2003

Mr. Ed Thomas, Chief
Office of Engineering & Technology
Federal Communications Commission
425 Twelfth Street, SW
Washington, D.C. 20554

Re: Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3
GHz for Mobile and Fixed Services, ET Docket 00-258; WT Docket 02-55, FCC
Docket Nos. RM-9498 and RM-10024

Dear Mr. Thomas:

UTAM, Inc. ("UTAM") files this letter in support of a recent request by NEC America, Inc. ("NEC America")¹ that the Commission issue a Report and Order conclusively resolving all outstanding issues with respect to the 1915/16-1920 MHz band. As you know, the lower half of the 1910-1920 MHz band, which is currently used by asynchronous unlicensed personal communications service ("UPCS") devices, is subject to a number of competing proposals for rule modifications. As an initial matter, UTAM itself is on record as supporting a compromise position, arrived at with UTStarCom, Inc. ("UTStarCom"), that would successfully permit asynchronous UPCS, isochronous UPCS, and systems based on the Personal Handyphone System ("PHS") to share the 1910-1920 MHz band. UTAM continues to believe that the public interest would be best served by adopting the UTAM/UTStarCom proposed rule changes.

A number of other proceedings, however, have implicated the lower portion of the 1910-1920 MHz band and thereby complicated needed spectrum relief for isochronous UPCS devices. Specifically, in ET Docket 00-258, certain Multipoint Distribution Service ("MDS") licensees have sought to exchange their existing spectrum at 2150-2160 MHz for an allocation that includes 1910-1916 MHz. Similarly, in WT Docket 02-55, Nextel Communications, Inc.

¹ See NEC American Inc. *Ex Parte* Presentation, ET Docket 00-258 (filed Jan. 16, 2003).

(“Nextel”), has sought to exchange certain spectrum holdings in the 700 and 800 MHz bands for an allocation that includes 1910-1915 MHz. UTAM is on record as opposing both of these proposals.

While UTAM remains fundamentally opposed to *any* reallocation of the 1910-1915/16 MHz band for licensed services, UTAM recognizes that the interrelationships among the various proceedings have complicated and delayed the resolution of regulatory issues pertinent to that portion of the band. As NEC America has observed, however, the spectrum in the upper asynchronous UPCS band—specifically the spectrum at 1916-1920 MHz—has not and is not implicated by competing proposals. Indeed, the uncontroverted technical record before the Commission demonstrates that 1916-1920 MHz should remain a guard band between the PCS base and mobile transmit bands and cannot be used by licensed services.² Thus, the only proposal currently pending before the Commission for use of the 1916-1920 MHz band is the consensus proposal between UTAM and UTStarCom, Inc.

As UTAM has explained in its prior pleadings in these dockets, additional spectrum is currently needed for isochronous UPCS devices. Around the country, numerous “hot spots” exist where UPCS cannot be deployed—or the full benefits of UPCS cannot be achieved—due to a lack of available spectrum for such operations. For example, in dense campus environments without significant environmental shielding, UPCS voice systems can rapidly exhaust the channels available at 1920-1930 MHz and reach saturation. Thus, permitting isochronous UPCS systems to utilize even a portion of the 1910-1920 MHz band in the near term will have substantial public interest benefits.

UTAM strongly urges the FCC to adopt the proposal of NEC America to issue a prompt Report and Order adopting the UTAM/UTStarCom proposed rule changes for the 1916-1920 MHz band. Such action would be without prejudice to contemplated regulatory actions with respect to the 1910-1915/16 MHz bands—indeed, UTAM fully intends to continue advocating extension of isochronous UPCS throughout the 1910-1920 MHz band.

² See Motorola, Inc. *Ex Parte* Presentation, WT Docket 02-353, ET Docket 00-258 (filed Dec. 17, 2002).

Should any questions arise concerning this filing, please do not hesitate to contact the undersigned at (908) 526-3636.

Respectfully yours,

/s/ Mike Stima

Mike Stima, President
UTAM, Inc.

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